

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>BENJAMIN M. AUSLANDER,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil Docket No. 2:22-cv-01425-HB</b>
	:	
<b>v.</b>	:	
	:	
<b>TREDYFFRIN/EASTTOWN SCHOOL DISTRICT and ARTHUR J. MCDONNELL,</b>	:	
	:	
	:	
<b>Defendants.</b>	:	

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**ANSWER TO COMPLAINT**

Defendants Tredyffrin/Easttown School District (the “District”) and Arthur J. McDonnell, by and through their attorneys, Wisler Pearlstine, LLP, hereby answer Plaintiff’s Complaint.

**THE COMPLAINT’S PREAMBLE IS DENIED.**

**Parties, Jurisdiction, and Venue**

1. Admitted upon information and belief.
2. Denied. The District is a political subdivision organized under the laws of Pennsylvania.
3. Admitted in part; denied as part. It is admitted that Mr. McDonnell is the business manager of the District. He is the secretary of the District’s School Board, not the “Tredyffrin/Easttown Board of Education” as alleged. The correct name is the Board of Directors of the Tredyffrin/Easttown School District. The remaining allegations are denied as conclusions of law to which no response is required.
4. Denied as a conclusion of law.
5. Denied as a conclusion of law.

**Statement of Facts**

6. Denied.

7. Denied.

8. Denied.

9. Admitted upon information and belief.

10. Denied. The Right to Know Request is a written document that speaks for itself and characterizations of it are denied.

11. Denied. The District's response to Plaintiff's "request for copies of the PEG training materials" are contained in written documents that speak for themselves. All characterization are denied.

12. Denied. It is unknown what specific communication(s) Plaintiff refers to here, so this paragraph is denied.

13. Admitted in part; denied in apart. It is only admitted that at the invitation of the District Plaintiff went to the District, as an invitee of the District, on February 7, 2022, to inspect documents, including PEG materials, in response to a Right to Know Request, and that Mr. McDonnell was present at the inspection.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

**CAUSES OF ACTION**

**Claim 1: Restriction on First Amendment Rights  
42 U.S.C. § 1983**

22. Denied.

23. Denied.

24. Denied.

**Claim 2: First Amendment Retaliation  
42 U.S.C. § 1983**

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

**Demand for Relief**

33. Denied.

**AFFIRMATIVE DEFENSES**

1. Plaintiff failed to sufficiently state any claims upon which relief can be granted.

2. Defendants' are entitled to immunity as to the allegations and claims in the

Complaint.

3. Plaintiff's claims are barred because this Court does not have jurisdiction over challenges to responses to Right to Know Requests or appeals from decisions of the Pennsylvania Department of Open Records.

4. Plaintiff's claims are barred by the doctrines of laches, consent, waiver, estoppel, collateral estoppel, res judicata and/or acquiescence.

5. Plaintiff's claims are barred by the doctrine of unclean hands and other equitable defenses.

6. Defendants reserve the right to rely on additional defenses if and when such defenses become known during the course of litigation.

7. Defendants reserve the right to amend this Answer to assert any other defenses that become known or available.

Respectfully Submitted,

**WISLER PEARLSTINE, LLP**

/s/ Brian R. Elias.

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*Counsel for Defendants*

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<b>TREDYFFRIN/EASTTOWN</b>	:	
<b>SCHOOL DISTRICT and</b>	:	
<b>ARTHUR J. MCDONNELL,</b>	:	
	:	
<b>Defendants.</b>	:	

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Defendants' Answer to Complaint was served upon all counsel of record through this court's electronic case filing system on the date set forth below.

**WISLER PEARLSTINE, LLP**

/s/ Brian R. Elias.

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